



Separated Family Policy:

When parents separate it is a difficult situation for all concerned. The nursery understands that emotions run high and this policy lays out how the nursery will support the child and their family within the nursery. We feel this policy will support all parties in this difficult time including our team.

Parental Responsibility

While the law does not define in detail what parental responsibility is, the following list sets out the key roles:

- Providing a home for the child
- Having contact with and living with the child
- Protecting and maintaining the child
- Disciplining the child
- Choosing and providing for the child's education
- Determining the religion of the child
- Agreeing to the child's medical treatment
- Naming the child and agreeing to any change of the child's name
- Accompanying the child outside the UK and agreeing to the child's emigration should the issue arise
- Being responsible for the child's property
- Appointing a guardian for the child, if necessary
- Allowing confidential information about the child to be disclosed

England and Wales

If the parents of a child are married to each other at the time of the birth, or if they have jointly adopted a child, then they both have parental responsibility. Parents do not lose parental responsibility if they divorce, and this applies to both the resident and the non-resident parent.

This is not automatically the case for unmarried parents. According to current law, a mother always has parental responsibility for her child. A father, however has this responsibility only if he is married to the mother when the child is born or has acquired legal responsibility for his child through one of these three routes:



- By jointly registering the birth of the child with the mother (from 1st December 2003)
- By a parental responsibility agreement with the mother
- By a parental responsibility order, made by a court

Scotland

A father has parental responsibility if he is married to the mother when the child is conceived, or any time after that date. An unmarried father has parental responsibility if he is named on the child's birth certificate, alternatively unmarried fathers can also be named following a re-registration of the birth.

Registration

During the registration process it is important for the nursery to know all details about both parents. This includes details about who does or does not have parental responsibility as this will avoid difficult situations that may arise at a later date.

The nursery requests that all details are logged on the child registration form. If a parent does not have parental responsibility, or has a court order in place to prevent this, the nursery needs a copy of this documentation for the child's records.

If a child is registered by one parent of a separated family, the nursery requests that all details relating to the child and other parent are disclosed wherever possible, e.g. court orders, injunctions. This will allow the nursery to have all the appropriate information in order to support the child fully.

The nursery will:

- Ensure the child's welfare is paramount in all operations relating to their time within the nursery
- Comply with any details of a court order where they are applicable to the nursery's situation, provided the nursery has seen a copy/has a copy attached to the child's file
- Provide information on the child's progress within the nursery to both parents
- Invite both parents to nursery events, including parental consultations and social events
- Ensure any incident or accident within the nursery relating to the child is reported to both parents as soon as possible



- Ensure that all matters known by staff pertaining to the family and the parent's separation shall remain confidential
- Ensure that no member of staff takes sides within the separation and treats both parents equally and with due respect

The nursery cannot restrict access to any parent with parental responsibility unless a formal court order is in place. We respectfully ask that parents do not put us in this position

We ask parents to:

- Provide us with all information relating to parental responsibilities, court orders and injunctions
- Update information that changes any of the above as soon as practicably possible
- Work with us to ensure continuity of care and support for your child
- Not involve nursery staff in any family disputes, unless this directly impacts on the care we provide for the child
- Talk to the manager/key person away from the child when this relates to family separation in order to avoid the child becoming upset. This can be arranged as a more formal meeting or as an informal chat
- Not ask the nursery to take sides in any dispute. We will only take the side of your child and this will require us to be neutral at all times

Restricted Access to Children

If a parent instructs staff not to allow their child to be collected from nursery by the other parent the following procedure must be followed:

- Call the manager for the parent to inform them in detail personally, as the manager is responsible for actions taken within the nursery

They will:

- Inform the parent that unless there is a court order against the other parent we cannot legally stop them from collecting their own child.

If the other parent does arrive at the nursery unexpected to collect the child:

1. Make sure you have another member of staff with you at all times to witness the incident.



2. Call the manager/most senior member of staff available.
3. Through the door intercom (do not open the door to them) explain that the child's other parent has requested that we do not let the child go with them that day.
4. If the parent does not leave inform them that you are contacting the other parent who dropped the child of so that they can come to the nursery to discuss who is to take the child that day.
5. Phone the parent immediately and inform them that the other parent has arrived at the nursery to collect the child. Make the parent on the phone aware that if they persist in wanting to take the child that you cannot legally withhold the child from them. Ask them if they are coming straight to the nursery; if yes ask how long it is likely to be before they get there. If no tell them you will be passing the child over to the parent who is at the nursery.
6. If the parent who has come to collect the child persists in wanting access to the child try and delay them. Say that you will get the child and bring them out to the car park as to keep any disruption away from the children in the nursery (do this slowly to give the other parent time to get to the nursery).
7. Ask the parent who is taking the child where they will be so that the other parent can contact them.
8. If the parent becomes abusive or threatening do not hesitate in phoning the police on 999.

If there is a court order against the other parent:

- The nursery will need a photocopy of the order to be kept in the child's personal file
- Staff must be made aware of the court order
- If the parent who has the order against them arrives to collect the child from nursery they must not be allowed access to the nursery/child
- The other parent must be contacted and the police